



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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4-1103  
2003

In re the Application of

Henricus J.M. VAN DE VEN et al.

Group Art Unit: 1771

Application No.: 09/943,148

Examiner: N. Torres-Velazquez

Filed: August 31, 2001

Docket No.: 110366

For: WATER-VAPOR-PERMEABLE, WATERTIGHT, AND HEAT REFLECTING FLAT COMPOSITE, PROCESS FOR ITS MANUFACTURE, AND USE THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

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In reply to the March 20, 2003 Restriction Requirement, Applicants provisionally elect Group II, claims 21-36, with traverse. The Requirement is traversed for the following reasons.

First, Applicants submit that claim 20 must also be examined with the elected Group of claims. Although the Restriction Requirement indicated claim 20 to be drawn to a process, claim 20 is instead a product claim. As such, inclusion of product claim 20 in the process claims of Group I in the Restriction Requirement is not proper. Applicants thus submit that the elected claims of Group II must comprise claims 20-36.

Second, Applicants submit that in the present application, the process recited in the claims of Group I includes all of the same product limitations of the product recited in the claims of Group I. Thus, Applicants submit that the burden upon the Patent Office to search for the subject matter of the claims of Group I that is beyond the existing burden of searching for the subject matter of the claims of elected Group II is minimal at best.

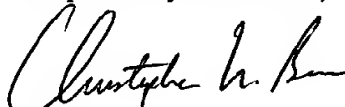
It is thus respectfully submitted that the subject matter of all claims 1-36 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Finally, Applicants submit that, as noted above, the process of claim 1 includes all of the limitations recited in product claim 21. As such, upon allowance of the product claims, the process claims must be rejoined with the application and similarly allowed. Rejoinder and allowance of the process claims is still further proper because claim 20 is a product-by-process claim linking the process of making the product as recited in the claims of Group I and the product as recited in the claims of Group II. See MPEP §§809 and 809.03 for the proper handling of linking claims and the claims linked thereby.

For at least the foregoing reasons, and in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office, it is respectfully

requested that the Restriction Requirement be reconsidered and withdrawn. Early and favorable action on the merits with respect to all of pending claims 1-36 is respectfully requested.

Respectfully submitted,



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WPB:CWB/hs

Date: April 3, 2003

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